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U. S. DISTRICT COURT E.D. N.Y.

★ SEP 25 1998 ★

TIME A.M. _____
P.M. _____

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MAURICE CUMMINGS,

Petitioner,

-against-

LEONARD PORTUANDO,
Superintendent, Shawangunk
Correctional Facility,

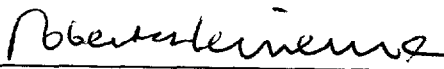
Respondent.
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JUDGMENT
97-CV-3389 (JG)

A memorandum and order of the Honorable John Gleeson, United States District Judge, having been filed on September 24, 1998, denying respondent's motion to dismiss the petition for failure to commence the proceeding with the period of limitations set forth in the AEDPA, 28 U.S.C. § 2244(d)(1); denying the petition for a writ of habeas corpus; and, denying a certificate of appealability; it is

ORDERED and ADJUDGED that the petitioner take nothing of the respondent; that the respondent's motion to dismiss the petition is denied; that the petition for a writ of habeas corpus is denied; and, that the certificate of appealability is denied.

Dated: Brooklyn, New York
September 24, 1998


ROBERT C. HEINEMANN
Clerk of Court

CC(M)
(10)